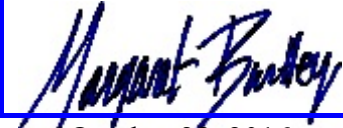


MOTION GRANTED



October 28, 2016
Margaret Bartley
Judge

BRUCE W. EBERT, Ph.D., J.D., ABPP (CSBN 151576)
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BEFORE THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

LEO ROBINSON,

Appellant,

v.

ROBERT A. MCDONALD,

Secretary of Veterans Affairs,

Appellee.

CASE NO. 15-4105

**RULE 27 MOTION FOR AN EXPEDITED
DECISION**

HEARING DATE: NONE

HEARING TIME: N/A

**JUDGE: HONORABLE MARGARET
BARTLEY**

Now comes Appellant in with this motion before this honorable Court requesting the decision of the Court be expedited. The basis for the motion is twofold. First, the veteran is ninety-four years old and in failing health. Second, the VA has caused unnecessary delays leading to ten years of impediment before Appellant could actually obtain a decision on the merits of his CUE claim. All briefs in the matter have been filed with this Court including Appellant's brief, Secretary's brief and Appellant's reply brief. The record was filed by the Secretary. The case

1 is ready for the Court to decide the matter.

2 **FACTS**

3 Appellant, Mr. Robinson is 94 years old and is seeking benefits based upon CUE
4 as well as violations of his due process rights. On October 28, 2015 Appellant
5 filed his Notice of Appeal from a BVA decision denying CUE and remedies for
6 violation of his due process rights. Appellant filed his brief on June 16, 2016
7 followed by a motion for the Court to accept his new brief in lieu of prior brief on
8 June 16, 2016. Appellant's brief was accepted on June 20, 2016. The Secretary
9 filed his brief on September 30, 2016. Appellant filed his reply brief on October
10 11, 2016.

11 Appellant filed the equivalent of a Form 9 in his CUE claim in 2005. The VA
12 ignored this document appealing the Statement of the Case from the Regional
13 Office. That led to years of unnecessary litigation in this matter. Appellant could
14 not convince the VA of the fact that an equivalent Form 9 had been filed twice
15 with them. It was not until the chief of the appeals branch for the Department of
16 Justice intervened that the VA was convinced the matter had been appealed
17 within the appropriate time constraints. Thereafter, Appellant returned to the RO
18 and litigated the CUE Claim with them, to the BVA and finally to this Court. It is
19 somewhat of a miracle this veteran is still alive. He could easily have been one of
20 the thousands of veterans who cases remained undecided because of their death.
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1 Expedited processing of this case with the Judge and staff of the Court is
2 necessary for Appellant to receive a decision on the merits of his case, finally.

3 **Most importantly, counsel for Mr. Robinson contacted Jesse Greenstein,**
4 **counsel for the Secretary about this motion. He indicated he would not**
5 **oppose it after he filed the record.** The record has been filed.
6

7
8 This case is ready for a Judge to review Appellant's case on the merits. We
9 respectfully request this Court grant this motion and give this matter the urgency
10 of time in light of the veteran's age and failing health.
11
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15 10/25/2016

/SIGNED/

16 Dr. Bruce W. Ebert, Esq., LL.M., ABPP
17 Clinical & Forensic Psychologist
18 President & CEO – Center for Mental
19 Health Law & Ethics
20 Attorney at Law
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